

REMARKS

This Amendment is submitted in response to the Office Action mailed March 30, 2010. Claims 1-6 and 36-47 are rejected. In this Amendment, claims 1, 5, and 40 have been amended. Claims 36, 37, 41, and 42 have been cancelled. Claims 48-50 have been added. It is respectfully submitted that the amendment does not add new matter. Applicants reserve all rights with respect to the applicability of the Doctrine of Equivalents. Applicants respectfully request consideration of the subject application as amended herein.

Summary of Examiner Interview

The Applicants thank the Examiner for the courtesy of the telephone interview of August 11, 2010. Applicants initiated a request for an interview with the Examiner to discuss the rejection of the claims under 35 U.S.C. § 101 and § 112, as well as potential claim amendments for overcoming the rejections. Applicants further discussed the potential of adding new claims.

With respect to the rejections under § 101, Applicants discussed potential amendments that would overcome the rejections. During the interview, the Examiner noted that claim 37 would likely also be rejected under § 101. No agreement was reached regarding amendments that would overcome the rejections of claims 36 or 37. However, as discussed below, Applicants have cancelled claims 36, 37, 41, and 42, and thus the rejection has become moot.

With respect to the rejection under § 112, Applicants proposed amending the claims to clarify that a processor on the server computer system generates loan

documents and accepts electronic certificates. The Examiner agreed with Applicants suggestions, and noted that the rejections under § 112 would be overcome by the amendments.

The Examiner further requested that Applicants make several amendments to the claims. Specifically, the Examiner requested that Applicants amend claims 1 and 40 to include accepting "one or more electronic certificates of the borrower and biometric signatures" The Examiner further requested that Applicants amend claim 5 to include a "processor" for storing data. In this response, Applicants have amended the claims as requested by the Examiner.

Applicants further proposed an amendment to claim 40. In particular, Applicants proposed moving the limitation "automatically generating loan documents ..." within the claim. The Examiner agreed that because the limitation was being moved, and the language of the limitation was not being altered, the amendment would be permitted and a new search would not be required. Applicants have therefore amended claim 40 consistent with the discussion during the Examiner interview.

Finally, Applicants proposed adding several new dependent claims. The Examiner noted that the addition of new claims would require a new search and further consideration.

Applicants submit the above summary for the Examiner's review. Applicants greatly appreciate the Examiner's ongoing efforts with regard to the present application.

Claim Rejections under 35 U.S. C. § 101

The Examiner rejected claim 36 as being directed to non-statutory subject matter. In particular, the Examiner stated that claim 36 is directed to non-functional descriptive material. In the response, Applicants have cancelled claims 36, 37, 41, and 42 as discussed during the Examiner Interview. Thus, Applicants respectfully submit that the rejection under § 101 has become moot.

Claim Rejections under 35 U.S.C. § 112

The Examiner rejected claims 1-6 and 36-47 under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps. As discussed above, Applicants have amended claims 1 and 40 consistent with the discussion during the Examiner interview. For example, claim 1 has been amended to recite in part "automatically generating by said processor loan documents on the server for said loan products for signature by a borrower when said one or more underwriting criteria are fulfilled; and accepting by said processor ..." Applicants have similarly amended claim 40. In view of the amendments, and as agreed upon during the Examiner Interview, Applicants respectfully submit that the rejections under § 112, second paragraph, have been overcome. Therefore, Applicants respectfully request withdrawal of the rejection of claims 1-6 and 36-47 under 35 U.S.C. § 112, second paragraph.

New Claims

New claims 48-50 have been added to more precisely claim that which Applicants regard as their invention. Claims 48-50 depend from one of independent claims 1 and 40.

Therefore, Applicants respectfully submit that claims 48-50 are allowable for at least the reasons set forth above for claims 1 and 40.

Conclusion

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome. Accordingly, the present and amended claims should be found to be in condition for allowance.

If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact the undersigned at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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